



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

July 6, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, AK 99506-0898

Attn: Dr. Jan Stuart

Re: POA-1990-492-P
Tongass Narrows 475

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced permit application by the City of Ketchikan to reconstruct the Bar Harbor South floats and utilities with a three-phase construction plan. The reconstruction would consist of removing between 224 and 244 existing timber pilings and replacing them with 254 steel pilings. Timber pilings are expected to be completely removed using a crane. Any pilings that cannot be removed in this manner will be cut off at ground level. All new steel pilings will be placed using a rotary drill that does not produce the levels of noise that would be experienced with an impact hammer. Up to 375 cubic yards of silt, sand, gravel and rock would be removed during drilling for new piling installation with up to 175 cubic yards of sand, gravel or concrete used to backfill drilled piling voids.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) requires Federal agencies to consult with NMFS on actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. According to the EFH Assessment prepared in support of this permit application, dive surveys found the benthic community in the marina to be typical for port areas. No eelgrass was observed in the project area. Vegetation consisted primarily of kelp, while fish and invertebrates included sculpin, rockfish, crab, and sea cucumbers. Tongass Narrows provides habitat for both juvenile and adult salmon.

The proposed project may result in short-term impacts to EFH from substrate disturbance and increased turbidity. However, the adverse effects will be offset by the removal of a large number of creosote-treated pilings. Furthermore, the applicant is proposing to use only wood treated with CCA or ACZA in the replacement floats, which will also reduce impacts to EFH over the use of creosote products.



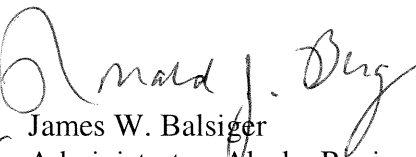
NMFS offers the following conservation recommendations pursuant to Section 305(b)(4)(a) of the MSFCMA:

- 1) No in-water work should be allowed between March 15 and June 1 to protect migrating salmon.
- 2) To the extent possible, the City should stipulate in its contract that treated timber materials removed by the contractor be prohibited from being reused in marine and aquatic applications.

Under Section 305(b)(4) of the MSFCMA, the Corps is required to respond to NMFS' EFH recommendations in writing within 30 days. If the Corps will not make a decision within 30 days of receiving NMFS' recommendations, the Corps should provide NMFS with a letter within 30 days to that effect and indicate when a full response will be provided.

Please contact Katharine Miller (907) 586-7643 if you have questions regarding this letter.

Sincerely,


For James W. Balsiger
Administrator, Alaska Region